

REMARKS

The Drawings and the Specification are objected to because of various informalities and reference characters. Claims 1, 3, 5, 6, 8, 10, 12, 14, 19, 23, 25, 28, 40, 41, 45, 46, 48, 50, 52, 56, 57, 59, and 62 are rejected under 35 U.S.C. §102(b) as being anticipated by Helms, U.S. Patent No. 5,561,710. Claims 63 and 66 are rejected under 35 U.S.C. §102(b) as being anticipated by Hallikainen, et al., U.S. Patent No. 5,797,102. Claims 2, 20, and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Helms, in view of Roy, et al., U.S. Publication No. 2003/0142814). Claims 7, 9, 24, 26, 47, 49, and 56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Helms in view of Fujisaki. Claims 1, 4, 11, 13, 15-22, 27, 29-40, 42-44, 51, 53-56, 58, 60, and 61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hallikainen, et al. in view of Helms.

Drawings

The Examiner objected to the Drawings because of certain reference characters. Replacement Drawings (2 pages) are included herewith to address the Examiner's objections and correct reference numerals.

Specification

Applicants have amended the Specification to address various of the reference numeral objections as well as address an objection to the Specification based on reference numerals. No new matter is added.

Rejections Under 35 U.S.C. §102

The claims have been amended to more specifically recite the invention. In particular, independent Claims 1, 19, and 40 have been amended, and are currently rejected under 35 U.S.C. §102 over the reference of Helms. Independent Claim 56 has been cancelled.

Claim 1 has been amended to recite an apparatus comprising a terminal having bi-directional voice capabilities. That is, the terminal is capable of converting user speech to a digital format, such as for communication between a person and a computer, and also to convert digital information, such as digital text, to an audio format to be played back to a human user or worker that is utilizing the apparatus. Thus, the terminal is suitable for voice-directed work, wherein a user speaks and interfaces directly with a device, such as a computer, through the terminal and its bi-directional voice capabilities. Claim 1 further recites that the peripheral device is configured to forward a characterizing signal

on at least one line that directs audio signals to the terminal. That is, an audio line of the peripheral device is utilized for transferring the characterizing signal to the terminal. Claim 1 also recites that the characterizing signal is associated with an operational parameter of the terminal.

Claim 1 further recites that the terminal is operable for configuring the bi-directional voice capabilities of the terminal according to the operational parameter that is associated with the characterizing signal forwarded by the peripheral device.

In order for Helms to anticipate Claim 1 under §102 of the Patent Statute, Helms must teach each and every element recited in the claim. Helms fails to teach all of the recited elements, and thus, cannot anticipate Claim 1 under §102. Specifically, the Examiner interprets the central station 48 of Helms to be a terminal, and a telephone device 10 to be a peripheral device. However, the central station merely provides database services, and includes a database processor 50 and various DTMF decoders for accessing the database. Therefore, the Helms device does not teach any terminal having bi-directional voice capabilities. Nor is there any teaching in Helms with respect to the characterizing signal being associated with an operational parameter of the terminal. The signal from the phone of Helms only accesses a database. Applicants note that the limitation of Claim 2 regarding an association between the operational parameter of the terminal and the

characterizing signal has been incorporated into Claim 1. Claim 2 is not rejected as anticipated by the Helms reference.

Finally, the Helms reference fails to teach a terminal that is operational for configuring the bi-directional voice capabilities of the terminal according to the operational parameter that is associated with the characterizing signal forwarded by the peripheral device. Again, the central station of the Helms reference does not have any specific voice capabilities, and certainly does not have bi-directional voice capabilities. Therefore, the lacking bi-directional voice capabilities cannot be somehow configured in the central station 48 of Helms. Accordingly, Claim 1 is not anticipated by the Helms reference, and thus, is allowable over that reference.

Claim 19 has been somewhat similarly amended to recite a terminal with circuitry for implementing bi-directional voice capabilities, wherein the terminal is operable for configuring the bi-directional voice capabilities of the terminal according to an operational parameter associated with the characterizing signal that is forwarded by the peripheral device on the audio signal line of the peripheral device. Claim 19 also incorporates limitations from cancelled Claim 20. For a similar reason, as discussed above with respect to Claim 1, Claim 19 would also not be anticipated by Helms, and thus, is allowable over that reference.

Claim 40 recites a method for interfacing between a peripheral device, and a terminal having bi-directional voice capabilities. Method Claim 40 recites the step of forwarding a characterizing signal to the terminal on an audio signal line, and then associating the characterizing signal with an operational parameter of the terminal. Claim 40 further recites the step of configuring the bi-directional voice capabilities of the terminal according to the associated operational parameter. For the reasons discussed hereinabove with respect to Claim 1, Claim 40 is also not anticipated by Helms because that reference does not teach all of the limitations set forth therein. Applicants note that Claim 40 now incorporates limitations from cancelled dependent Claim 42, which was not rejected as anticipated under §102 over the Helms reference. Accordingly, Applicants submit that Claims 1, 19, and 40 are not anticipated by Helms because the Helms reference does not teach all of the limitations recited in those claims.

Dependent Claims 3, 5-6, 8, 10, 12, and 14 each depend from Claim 1, and thus, would also not be anticipated by Helms. Dependent Claims 23, 25, and 28 each depend from independent Claim 19, and also would not be anticipated by Helms. Claims 41, 45, 46, 48, 50, and 52 each depend from independent Claim 40, and also would not be anticipated by Helms. Furthermore, each of those dependent claims recites a unique combination of elements, which is not anticipated by Helms. Thus, the rejected dependent claims are allowable as well.

Claims 56-57, 59, and 62 have all been cancelled, thus, rendering the objection to those claims moot.

Claims 63 and 66 are rejected under 35 U.S.C. §102 over Hallikainen, et al. Independent Claims 63 has been amended to recite a terminal for communicating with a computer that comprises circuitry for providing a bi-directional voice capability in the terminal. Claim 63 further recites circuitry configured to read a characterizing parameter from a peripheral device that is coupled to the terminal, and circuitry configured to associate a voice-related operational parameter, with the characterizing parameter of the peripheral device in order to make the terminal operate according to the associated voice-related operational parameter.

The Hallikainen, et al. device discloses a mobile phone, which the Examiner interprets as a terminal. Such a device does not include circuitry for providing a bi-directional voice capability, as set forth in the present application. The phone can pass audio signals back and forth, such as with another phone, but does not have the ability to utilize speech recognition for turning speech into digital information, such as digital text, and does not have the ability to convert digital text to speech, as is incorporated within a bi-directional voice capability of the terminal, as set forth in the application. The Examiner recites to Column 3, Lines 23-41 in Hallikainen, et al. regarding a digital serial bus for transferring information between the mobile phone and the auxiliary device. For

example, an identification code might be transmitted to the telephone. However, there is absolutely no teaching provided in Hallikainen, et al. with respect to circuitry that associates a voice-related operational parameter with a characterizing parameter that is transferred from the peripheral device, nor is there any teaching in Hallikainen, et al. with respect to making the terminal operate according to the voice-related operational parameter that is associated with the characterizing parameter from the peripheral device. There is nothing in Hallikainen, et al. that says that the identification code that is transmitted actually affects, or results in, a voice-related operational parameter, nor is there any teaching in Hallikainen, et al. that the terminal operates according to such a voice-related operational parameter, as directed by the terminal. In fact, as noted earlier, the phone does not even provided bi-directional voice capability. Accordingly, the Hallikainen, et al. reference cannot anticipate Claim 63 because it does not teach all the elements recited in Claim 63. Accordingly, Claim 63 is allowable. Claim 66 depends from Claim 63, and also would be allowable for the same reason. Furthermore, Claim 66 recites a unique combination of elements, which is not taught or anticipated by Hallikainen, et al. reference.

Rejections Under 35 U.S.C. §103

Claims 2, 20, and 42 are rejected under 35 U.S.C. §103 over the combination of Helms, and Roy, et al. Roy, et al. is relied upon for teaching the use of DTMF sounds from a telephone keypad for controlling certain functions of a system, such as a sound system. The Roy, et al. reference is combined with the teachings of the Helms reference. However, as noted above, with respect to Claims 2, 20, and 42, those claims had various limitations that are now incorporated into Claims 1, 19, and 40. Also, the associated independent Claims 1, 19, and 40 are not anticipated by the Helms reference. The addition of the teachings in Roy, et al. would not provide a combination that sets forth all the elements recited in the Claims 1, 19, and 40. Specifically, there is no teaching in Roy, et al. with respect to a terminal that has bi-directional voice capabilities. Furthermore, there is no teaching of a peripheral device that forwards a characterizing signal and a terminal that is operable for configuring the bi-directional voice capabilities of the terminal according to an operational parameter that is associated with the characterizing signal. The simple use of DTMF tones, as set forth in Roy, et al. to increase or decrease a sound level provides absolutely no teaching with respect to a terminal having bi-directional voice capabilities. Nor does it teach the configuring of the bi-directional voice capabilities according to an operational parameter that is associated with

a characterizing signal received from a peripheral device. As such, Applicants submit that Claims 1, 19, and 40, which incorporate limitations of cancelled Claims 2, 20, and 42, would not be rendered obvious by the combination of Helms and Roy, et al. Accordingly, while the §103 rejection of Claims 2, 20, and 42 is moot; the cited combination of art also would not apply to render obvious the base independent claims.

The combination of Helms and Fujisaki also would not render obvious the claims rejected under that combination. Specifically, the Fujisaki reference is recited to for teaching a voice-controlled dialer. However, the Fujisaki reference does not, in any way, teach a terminal having bi-directional voice capabilities, as recited in the pending claims. Nor is there any teaching that the terminal is operable, upon receiving a characterizing signal from a peripheral device, to configure the bi-directional voice capabilities according to an operational parameter that is associated with the characterizing signal from the peripheral device. As such, the Fujisaki reference fails to teach various elements missing in Helms, such that the combination would render obvious independent Claims 1, 19, or 40. Accordingly, dependent Claims 7, 9 (which depend from Claim 1), 24, 26 (which depend from Claim 19), and 47, 49 (which depend from Claim 40) also would not be rendered obvious by that combination. Additionally, each of those claims recites a unique

combination of elements, which is not taught by the cited art. Claim 56 is cancelled.

Independent Claims 1, 19, 29, 40, and 63, and various of their dependent claims, are also rejected under §103 over Hallikainen, et al., as combined with Helms. The Examiner refers to the Hallikainen, et al. reference as the base reference, and asserts that it teaches a peripheral device, which is the noted auxiliary device, that couples to a terminal, which is considered by the Examiner to be the mobile phone. The Examiner notes that Hallikainen, et al. does not disclose passing information data between the auxiliary device and the mobile phone over the noted audio line. The Examiner then refers to the Helms reference, which transfer DTMF signal, and states that it would be obvious to use the DTMF signals, as disclosed by Helms, to communicate between the mobile phone and the auxiliary device of Hallikainen, et al.. However, the Examiner simply makes that conclusory statement with absolutely no suggestion anywhere in either of those references as to why, or how, such a modification might be made to the Hallikainen, et al. device. The Examiner argues that it would reduce the necessity of an additional data line, as shown in Figure 4 of Hallikainen, et al.. However, the Examiner's only motivation for that statement is the actual invention. There is no discussion in either reference of such a modification. In fact, the data line is a noted element of the Hallikainen, et al. reference, and serves a purpose that cannot simply be eliminated. Certainly, there is no teaching

to a person of ordinary skill in the art to make that modification. It is well established that hindsight cannot be utilized to provide the necessary teaching to combine two references under §103. Accordingly, Applicants submit that the §103 rejection is improper, and does not set forth a prima facie case of obviousness.

In any case, neither of Hallikainen, et al. nor Helms, as discussed above, teaches a terminal having bi-directional voice capabilities, wherein the terminal is operable for configuring its bi-directional voice capabilities according to an operational parameter that is associated with the characterizing signal received from the peripheral device.

Accordingly, even if the two references were combined, that combination would not teach all the elements set forth in independent Claims 1, 19, and 40 for the reasons discussed above. As such, those independent claims are allowable over the Hallikainen, et al./Helms combination.

Furthermore, the various dependent Claims 4, 11, 13, 15-18, 21-22, 27, 40, 44, 51, and 53-55 would also not be rendered obvious by that combination, and thus, would be in an allowable form. Claims 20, 42-43, 56, 58, 60 and 61 are cancelled, thus, rendering the rejection of those claims moot.

Turning now to Claim 29, that claim recites a peripheral device for use with a terminal having bi-directional voice capabilities. The peripheral device comprises at least one line for directing audio signals and circuitry configured to forward a characterizing signal on the at least

one line. The peripheral device of Claim 29 further recites that the characterizing signal is reflective of a use or user associated with a peripheral device for configuring the bi-directional voice capabilities of the terminal. Nowhere in either of Helms or Hallikainen, et al. is there a teaching that the information sent between either a mobile phone and auxiliary device (Hallikainen, et al.) or a central station and a telephone (Helms) is at all reflective of a use or user that is associated with a peripheral device. Furthermore, there is no teaching that the characterizing signal is capable of configuring the bi-directional voice capabilities of the terminal. Accordingly, Claim 29, and its dependent Claims 30-39 would not be rendered obvious Hallikainen, et al./Helms, because that combination does not teach all the limitations set forth in those claims. Accordingly, Claims 29-39 are allowable.

Accordingly, Applicants submit that all the pending claims define over the cited art of record. Thus, those claims are in an allowable form. Applicants respectfully request an indication of the allowability of those claims at the Examiner's earliest convenience. If any issues remain in the case, which might be handled in an expedited fashion, such as through an Examiner's Amendment, the Examiner is encouraged to telephone Applicants' undersigned representative.

Applicants do not believe that any fees are due in connection with this response. However, if any fees are necessary, the Commissioner

may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Kurt A. Summe/

Kurt A. Summe
Reg. No. 36,023

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 241-6234 facsimile
ksumme@whepatent.com

Document #428672